

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-878

January 18, 2001

ANDREW STACHIEWICZ
Appeal of Consumer Assistance Division
#2000-9019 Regarding Verizon/Sprint

ORDER ON APPEAL

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this case we decline to open an investigation (pursuant to 35-A M.R.S.A. § 1303) to review a decision of the Consumer Assistance Division (CAD) that rejected the claim of Mr. Andrew Stachiewicz that he should not pay a bill issued to him by Verizon on behalf of Sprint.

II. DISCUSSION AND DECISION

Verizon provides local exchange service to Mr. Stachiewicz. Sprint is an intrastate interexchange (long-distance) carrier in Maine and contracts with Verizon to do its billing, at least when a Sprint customer has presubscribed (1 + dialing) interexchange service.

On September 14, 2000, Mr. Stachiewicz contacted the CAD of the Commission disputing \$664.51 for long distance charges billed to him by Sprint. The charges were for calls made from a rental property owned by Mr. Stachiewicz in Calais, Maine.

The calls apparently were made by a tenant to a Bangor number. Verizon stated to the CAD that it believed the calls were made by a computer, probably for internet service.

The issue in this case is whether Mr. Stachiewicz was in fact a customer of Sprint. A customer may incur charges from an interexchange carrier either by occasional "dial-around" calling (the customer dials the carrier's code or an 800 number assigned to the carrier and then the number the customer wishes to reach) or through "presubscription." Presubscription allows a customer to place long-distance calls with a single interexchange carrier through using 1+ dialing. A customer presubscribes to an interexchange long-distance carrier through the customer's local exchange carrier. A customer may presubscribe to the same or to different interexchange carriers for intrastate and for interstate service.

Verizon's records show that in 1997 Mr. Stachiewicz selected Sprint both for presubscribed intrastate service and for presubscribed interexchange service. In his written complaint to the CAD, Mr. Stachiewicz states that he

actually, specifically, and repeatedly requested NOT to have long distance service whatsoever on this phone. I actually told the account reps why . . . because I did not want to bill tenants back for long-distance calls (reference the reverse of this sheet, a copy of the lease used for the Maine property).

The referenced document is a blank "weekly rental agreement" (not a specific agreement with any specific tenant) stating that "the owner(s) . . . shall be responsible for all utilities . . . except for long-distance telephone service, which is not provided."

CAD had before it the written record of Verizon indicating that Mr. Stachiewicz had selected a presubscribed intrastate interexchange carrier (Sprint) against Mr. Stachiewicz's recollection (unsupported by any corroborating written evidence) that he had not done so. The CAD could have given little or no weight to the somewhat ambiguous form lease document, which could be read to state only that the tenant was responsible for long-distance bills, and not that long-distance service was not available at the premises.

In determining whether to commence an investigation of a CAD decision, pursuant to an appeal of either a customer or a utility that is dissatisfied by a CAD decision, we normally determine whether the CAD had sufficient evidence in support of its decision. In addition to the evidence relied upon by the CAD, upon the request of the Staff conducting a preliminary review of this matter, the CAD obtained additional information from Verizon, namely, that Verizon sent bills for intrastate long-distance service by Sprint to Mr. Stachiewicz. Those bills showed that during the 32-month period from December 1997 to July of 2000, except for three months, between one and 10 Sprint in-state long distance calls (primarily to Eastport and Pembroke) were placed each month from Mr. Stachiewicz's premises, although none of the bills were as large as the present contested bill. It appears, therefore, that Mr. Stachiewicz had notice through those bills of the fact that the telephone service provided to his premises included intrastate long-distance service provided by Sprint. We decide there was no error in the CAD decision that would warrant a Commission investigation of this matter.

Dated at Augusta, Maine, this 18th day of January, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.